

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR S-03-0483 WBS GGH P

(Court of Appeals No. 08-17248)

LARRY W. CAMPBELL,


Defendant.

MODIFIED CERTIFICATE OF
APPEALABILITY

On September 30, 2008, this court granted defendant's request for a certificate of appealability from the Order of September 19, 2008, dismissing Campbell's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. On November 12, 2008, the Appellate Commissioner remanded the case to this court for the limited purpose of issuing a modified certificate of appealability specifying which issue or issues meet the standards of 28 U.S.C. § 2253(c)(3).

Accordingly, the court now finds that defendant has made a substantial showing of the denial of a constitutional right on the issue of whether in this proceeding under section 2255 defendant may collaterally attack the hearing procedure in the underlying state court action to determine whether he received due process in that action.

DATED: November 12, 2008


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE